

AMENDED IN SENATE JUNE 18, 2013

AMENDED IN SENATE JUNE 4, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 789**

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**Introduced by Assembly Member Williams**  
**(Coauthor: Assembly Member Maienschein)**  
(Coauthors: Senators Hill and Leno)

February 21, 2013

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An act to amend Section 4004 of, and to add Section 54.2 to, of the Fish and Game Code, relating to trapping.

LEGISLATIVE COUNSEL'S DIGEST

AB 789, as amended, Williams. Trapping.

Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law makes certain actions relating to trapping unlawful.

The bill would revise a prohibition on using a specific type of trap, and would make it unlawful to kill any trapped mammal by listed methods. By specifying these new Fish and Game Code violations, thereby defining new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 54.2 is added to the Fish and Game Code,~~  
2     ~~to read:~~  
3     ~~54.2. “Managed wetland area” means an artificially irrigated~~  
4     ~~and managed wetland habitat administered primarily for the benefit~~  
5     ~~of waterfowl or other wetland-dependent species.~~  
6     ~~SEC. 2.~~  
7     ~~SECTION 1.~~ Section 4004 of the Fish and Game Code is  
8     amended to read:  
9     4004. It is unlawful to do any of the following:  
10    (a) Use a steel-jawed leghold trap, or use any trap with  
11    saw-toothed or spiked jaws.  
12    (b) Use a body-gripping trap, as defined in subdivision (a) of  
13    Section 3003.1, for the purpose of recreation or commerce in fur.  
14    (c) Set or maintain traps that do not bear a number or other  
15    identifying mark registered to the department or, in the case of a  
16    federal, state, county, or city agency, bear the name of that agency,  
17    except that traps set pursuant to Section 4152 or 4180 shall bear  
18    an identifying mark in a manner specified by the department. No  
19    registration fee shall be charged pursuant to this subdivision.  
20    (d) Fail to visit and remove all animals from traps at least once  
21    daily. If the trapping is done pursuant to Section 4152 or 4180, the  
22    inspection and removal shall be done by the person who sets the  
23    trap or the owner of the land where the trap is set or an agent of  
24    either.  
25    (e) ~~(1)~~ Use a conibear trap that is larger than 6 inches by 6  
26    inches, unless partially or wholly submerged in water. Unless  
27    prohibited by the department as a permit condition, a lawfully set  
28    conibear trap that is 10 inches by 10 inches or less may be set ~~in~~  
29    ~~a managed wetland area; pursuant to subdivision (g) of Section~~  
30    ~~465.5 of Title 14 of the California Code of Regulations.~~  
31    ~~(2)~~  
32    (f) When any conibear trap is set on publicly owned land or land  
33    expressly open to public use, ~~signs shall be posted~~ *fail to post signs*  
34    at every entrance and exit to the property indicating the presence  
35    of conibear traps and at least four additional signs posted within

1 a radius of 50 feet of the trap, one in each cardinal direction, with  
2 lettering that is a minimum of three inches high stating: “Danger!  
3 Traps Set For Wildlife. Keep ~~Dogs~~ Out.” Signs shall be maintained  
4 and checked daily.

5 (f)

6 (g) Kill any trapped mammal in accordance with this section  
7 by intentional drowning, injection with any chemical not sold for  
8 the purpose of euthanizing animals, or thoracic compression,  
9 commonly known as chest crushing. This subdivision shall not be  
10 construed to prohibit the use of lawfully set conibear traps set  
11 partially or wholly submerged in water or set in a ~~managed wetland~~  
12 ~~area~~ for beaver or muskrat or the use of lawfully set colony traps  
13 set in water for muskrat.

14 ~~SEC. 3.~~

15 *SEC. 2.* No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.